

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RUTHIE HULLETT	§	
	§	CIVIL ACTION NO. 4:22CV651
V.	§	JUDGE MAZZANT/JUDGE JOHNSON
	§	
DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY and SELECT PORTFOLIO	§	
SERVICING	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 23, 2024, the Magistrate Judge entered a Report and Recommendation (Dkt. #54) that Defendants Deutsche Bank National Trust Company, as Trustee for the Registered Holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE1, Mortgage Pass-Through Certificates, Series 2004-HE1 (“Deutsche Bank”) and Select Portfolio Servicing’s (“Select”) (collectively, “Defendants”) Motion for Summary Judgment and Brief in Support (the “Motion for Summary Judgment”) (Dkt. #43) should be granted. The Magistrate Judge further recommended that Plaintiff be given leave to file an amended complaint setting forth, in separately numbered sections, each claim she intended to bring against Defendants. On February 16, 2024, Plaintiff Ruthie Hullett (“Plaintiff”) filed an amended complaint (the “Third Amended Complaint”) (Dkt. #55), wherein she referenced the Report as grounds permitting such amendment (Dkt. #55 at p. 2).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Motion for Summary Judgment (Dkt. #43) is **GRANTED**, and Plaintiff's fraud claim is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff is **GRANTED** leave to amend her complaint.

As Plaintiff has already done so, the Third Amended Complaint (Dkt. #55) is deemed the live pleading in this matter.

SIGNED this 1st day of March, 2024.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE